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January 17, 2025

VIA ECF

Honorable James M. Wicks
United States Magistrate Judge
Eastern Division of New York
100 Central Plaza
Central Islip, New York 11722

Re: *Gonzalez, et. al. v. 800-Flowers, Inc.*, 2:24-cv-08894-NJC-JMW

Dear Judge Wicks:

Plaintiffs Gustavo Gonzalez and William Kane, together with Defendant 800-Flowers, Inc. jointly write to request that Defendant's deadline to respond to the First Amended Complaint be extended to Monday, March 3, 2025.

Defendant was served with the initial Class Action Complaint on or about January 6, 2025, and under Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendant would have been required to respond to the Complaint on or before January 27, 2025. However, Plaintiffs filed a First Amended Complaint on January 17, 2025 pursuant to Federal Rule of Civil Procedure 15(a)(2) with Defendant's consent, on the understanding that Defendant's consent to the filing is not a waiver of any substantive defense.

By this letter motion, Defendant seeks, and Plaintiffs do not oppose, permitting Defendant 45 days from January 17, 2025 to respond to the First Amended Complaint. In that period, Defendant will use that brief extension to investigate the First Amended Complaint's allegations and will file its response on or before March 3, 2025. This is the first request for an extension of the response date.

Respectfully Submitted,

/s/ Elliot Jackson

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**Pro Hac Vice* motion forthcoming

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